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7 **UNITED STATES BANKRUPTCY COURT**

8 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

9 In re:

10 Petra S. Munoz,  
11 Debtor.

12 Bank of America, N.A.,

13 Movant,  
14 vs.

15 Petra S. Munoz, Debtor, Maciel G. Munoz, Sr.  
16 Co-Debtor, and Devin Derham-Burk ,  
17 Trustee,

18 Respondents.

19 Bankruptcy Case No. 17-50387

20 RS No. CJO- 710

21 Chapter 13

22 **HEARING DATE:**

23 **DATE:** 09/06/2017

24 **TIME:** 11:30 AM

25 **CTRM:** Ste 214

26 **DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY**

27 I, Christine Harding, declare under penalty of perjury as follows:

28 1. I am a/an Assistant Vice President of Bank of America, N.A.  
("BANA") and am authorized to sign this declaration on behalf of BANA, as movant ("Movant")  
with respect to a certain loan (the "Loan") provided to Debtor, which Loan is evidenced by the Note  
(defined below) and secured by the Deed of Trust (defined below).

29 2. As part of my job responsibilities for BANA, I have personal knowledge of and am  
familiar with the types of records maintained by BANA in connection with the Loan and the

1 procedures for creating those types of records. I have access to and have reviewed the books,  
2 records and files of BANA that pertain to the Loan and extensions of credit given to Debtor  
3 concerning the Property (defined below).

4       3. The information in this declaration is taken from BANA's business records regarding  
5 the Loan. I have personal knowledge of BANA's procedures for creating these types of records.  
6 The records are: (a) made at or near the time of the occurrence of the matters recorded by persons  
7 with personal knowledge of the information in the business record, or from information transmitted  
8 by persons with personal knowledge; (b) kept in the course of BANA's regularly conducted business  
9 activities; and (c) it is the regular practice of BANA to make such records.

10      4. Maciel G. Munoz, Sr. and Petra Silva Munoz have executed and delivered that certain  
11 promissory note in the original principal amount of \$417,000.00 (the "Note"). Movant, directly or  
12 through an agent, has possession of the Note.

13      5. A true and correct copy of the Note is attached to the Motion as Exhibit "1."

14      6. Pursuant to that certain Deed of Trust (the "Deed of Trust"), all obligations  
15 (collectively, the "Obligations") of the Debtor under the Note and the Deed of Trust and with respect  
16 to the Loan are secured by certain real property (the "Property"). The Property address is 1342  
17 Bolero Avenue, Salinas, CA 93906.

18      7. A true and correct copy of the Deed of Trust is attached to the Motion as Exhibit "2."

19       The Obligations have been modified pursuant to a loan modification, a true and  
20 correct copy of which is attached to the Motion as Exhibit "6."

21      8. Movant is the original mortgagee or beneficiary or the assignee of the Deed of Trust.  
22 A true and correct copy of the Assignment of Deed of Trust is attached to the Motion as Exhibit "5."

23      9. As of July 20, 2017, the outstanding Obligations are:

Unpaid Principal Balance	\$411,583.23
Unpaid, Accrued Interest	\$23,751.48
Costs	\$18,849.01
Less: Partial Payments	(\$1,553.25)
Minimum Outstanding Obligations	\$452,630.47

10. In addition to the other amounts due to Movant reflected in this declaration, as of the date hereof, in connection with seeking the relief requested in the Motion, Movant has also incurred \$1,031.00 in legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and costs in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

11. The following chart sets forth the number and amount of postpetition payments due pursuant to the terms of the Note that have been missed by the Debtor:

<u>Number of Missed Payments</u>	<u>From</u>	<u>To</u>	<u>Monthly Payment Amount</u>	<u>Total Missed Payments</u>
4	04/01/2017	07/01/2017	\$1,873.57	\$7,494.28

Total: \$7,494.28

12. Attached hereto as Exhibit "4" is a postpetition payment history with respect to the Loan.

13. Pursuant to the Note, an additional monthly payment in the amount of \$1,873.57 will come due on August 1, 2017.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of July 2017 at Simi Valley California (state).

Name: Christine Harding  
Title: Assistant Vice President